

### **REMARKS**

This paper is responsive to any paper(s) indicated above, and is responsive in any other manner indicated below.

### **PENDING CLAIMS**

Claims 1-19 were pending, under consideration and subjected to examination in the Office Action. Appropriate claims have been amended, canceled and/or added (without prejudice or disclaimer) in order to adjust a clarity and/or focus of Applicant's claimed invention. That is, such changes are unrelated to any prior art or scope adjustment and are simply refocused claims in which Applicant is present interested. At entry of this paper, Claims 1-19 and 21-22 will be pending for further consideration and examination in the application.

### **REJECTION UNDER '112, 2nd PAR. OBVIATED VIA CLAIM AMENDMENT**

Claims 1 and 8 has been rejected under 35 USC '112, as being indefinite for the concerns listed on page 2 of the Office Action. Appropriate ones of such claims have been carefully reviewed and carefully amended where appropriate in order to address the Office Action listed concerns. Based upon the foregoing, reconsideration and withdrawal of the 35 USC 112 rejection(s) are respectfully requested.

### **CLAIM OBJECTIONS OBVIATED VIA CLAIM AMENDMENT**

Claims 1-7 and 9-19 have been objected to because of the Office Action concerns listed within the "Claim Objections" section on page 2 of the Office Action.

As amendments have been made where appropriate in order to address each of the Office Action listed concerns, reconsideration and withdrawal of the claim objection are respectfully requested.

### **REJECTION UNDER 35 USC '103**

The 35 USC '103 rejection of claims 1 and 8 as being unpatentable over Yamada et al. (U.S. Patent 7,161,502) is respectfully traversed. However, such rejections have been rendered obsolete by the present clarifying amendments to Applicant's claims, and accordingly, traversal arguments are not appropriate at this time. However, Applicant respectfully submits the following to preclude renewal of any such rejections against Applicant's clarified claims.

All descriptions of Applicant's disclosed and claimed invention, and all descriptions and rebuttal arguments regarding the applied prior art, as previously submitted by Applicant in any form, are repeated and incorporated hereat by reference. Further, all Office Action statements regarding the prior art rejections are respectfully traversed. As additional arguments, Applicant respectfully submits the following.

One or more parts of the Office Action comments set forth in support of the rejection(s), appears to assert an allegation of admitted prior art within Applicant's original disclosure", traversal is appropriate. Regarding the details of such traversal, attention is directed to the **SPECIFIC TRAVERSAL OF ALLEGED "ADMITTED PRIOR ART"** section set forth near the end of this paper.

Beyond the above, the following additional remarks have been supplied from Applicant's foreign patent representative.

**With regard to rejection of claim 1 and 8 under USC §103(a)**

According to a subject of claim 1, such claim has been clarified to further recite: **“wherein, in the route searching step, the statistical data corresponding to the environmental condition of respective candidate links constituting a recommended route, is used.”**

According to a route search system of Yamada, the system explains searching for a route to avoid certain roads specified in accordance with the weather or congestion conditions. However, in contrast, Applicant's present invention discloses specifying the **statistical data**, wherein the value of the statistical data is likely to be fluctuated depending on environmental conditions such as weather or date/time, in accordance with the conditions at the time of the search and executing a route search based on the specified statistical data. Thus, compared with Yamada's invention, Applicant's present invention realizes a more advantageous and highly accurate route search system.

In a similar fashion, claim 8 has been clarified to further recite: **“wherein the present status data obtaining step obtains a general present status data of respective links around a periphery of the current position, and obtains the present status data when a predetermined data of the general present status data and a predetermined data of the statistical data are different from each other.”**

Added product claims 21-22 substantially parallel independent claims 1 and 8, respectively.

As a result of all of the foregoing, it is respectfully submitted that the applied art (taken alone and in the Office Action combinations) would not support a '103 obviousness-type rejection of Applicant's claims. Accordingly, reconsideration and withdrawal of such '103 rejection, and express written allowance of all of the '103 rejected claims, are respectfully requested.

#### **SPECIFIC TRAVERSAL OF ALLEGED "ADMITTED PRIOR ART"**

Regarding any Office Action comment's allegation of admitted prior art within Applicant's original disclosure", traversal is appropriate. More particularly, Applicant has not made any admissions within any background of the invention section, or any other section, of the application. Within any background section, Applicant may have disclosed one or more references, but such references are not necessarily prior art. Regarding whether or not such references are prior art under U.S. patent law, publication dates and teachings of such references themselves should be consulted by the Examiner to determine whether any such references represent published prior art, and what the references themselves disclose. Beyond mention of such references, no other discussion of Applicant's background or any other discussions (including background drawing discussions) are, or should be construed as, "admitted prior art", and instead, such discussion represents what was known to Applicant at a time of describing the invention, and not necessarily what was known by others in the art. Accordingly, reconsideration and withdrawal of any portions of the rejection based upon any "admitted prior art" allegations, are respectfully requested.

### **EXAMINER INVITED TO TELEPHONE**

The Examiner is herein invited to telephone the undersigned attorneys at the local Washington, D.C. area telephone number of 703/312-6600 for discussing any Examiner's Amendments or other suggested actions for accelerating prosecution and moving the present application to allowance.

### **RESERVATION OF RIGHTS**

It is respectfully submitted that any and all claim amendments and/or cancellations submitted within this paper and throughout prosecution of the present application are without prejudice or disclaimer. That is, any above statements, or any present amendment or cancellation of claims (all made without prejudice or disclaimer), should not be taken as an indication or admission that any objection/rejection was valid, or as a disclaimer of any scope or subject matter. Applicant respectfully reserves all rights to file subsequent related application(s) (including reissue applications) directed to any/all previously claimed limitations/features which have been subsequently amended or cancelled, or to any/all limitations/features not yet claimed, i.e., Applicant continues (indefinitely) to maintain no intention or desire to dedicate or surrender any limitations/features of subject matter of the present application to the public.

### **CONCLUSION**

In view of the foregoing amendments and remarks, Applicant respectfully submits that the claims listed above as presently being under consideration in the application are now in condition for allowance.

To the extent necessary, Applicant petitions for an extension of time under 37 CFR '1.136. Authorization is herein given to charge any shortage in the fees, including extension of time fees and excess claim fees, to Deposit Account No. 01-2135 (Case No. 566.43491X00) and please credit any excess fees to such deposit account.

Based upon all of the foregoing, allowance of all presently-pending claims is respectfully requested.

Respectfully submitted,

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